

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

October 16, 2006

CALL TO PODIUM:

**Greg Ossont, Director
Planning & Code
Administration**

RESPONSIBLE STAFF:

**Greg Ossont, Director
Planning & Code
Administration**

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
x	Joint Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	NA
Advertised	09/27/2006
	10/04/2006
Hearing Date	10/16/2006
Record Held Open	
Policy Discussion	

TITLE: Text Amendment T-378**JOINT PUBLIC HEARING**

Proposal to Amend Chapter 24 of the City Code (City Zoning Ordinance), Article III, §24-160G.5, Entitled "Waiver of Development Standards." so as to Amend the Waiver Standards so That the City Council May, by Resolution, Waive the Building and Structure Height Requirements in the Corridor Development Zone (CD zone) as Follows: for a Residential District to Allow a Height Not to Exceed Four (4) Stories, or Forty-Eight (48) Feet.

SUPPORTING BACKGROUND:

Staff has been working with the owners of the Broadstone Apartments, formerly Stratford Place Apartments, on a potential redevelopment of the property.

During discussions with the owner of the property, Fairfield Residential, staff and the owner agree that redevelopment under the CD zone rather than the current R-20 zoning, is desirable in an effort to further implement the Frederick Avenue Master Plan and further the City's strategic directions.

The property is located in the "residential district" of the Frederick Avenue corridor. The CD zone allows height limits of 3 stories, not to exceed 35 feet in the "residential district" of the Frederick Avenue corridor.

Currently, the CD zone allows for a height waiver by resolution of the Mayor and City Council in the "employment district" only.

Continued...

DESIRED OUTCOME:

Hold Public Hearing.

Staff recommends the Planning Commission to hold the record open until 5:00pm on November 8, 2006 with anticipated recommendation on November 15, 2006. Staff recommends the Mayor and City Council hold the record open until 5:00pm November 28, 2006 with anticipated policy discussion December 4, 2006.

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Continued....

The height waiver is based upon findings that:

- The project provides on-site or off-site amenities to further enhance the corridor zone and purposes of the CD zone;
- The additional height is necessary to implement the corridor plan or attract an appropriate and compatible type or user;
- The additional height will be compatible with existing and proposed adjacent land uses and not detrimentally impact public facilities serving the corridor.

The proposed text amendment would allow for the Mayor and City Council to also grant a height waiver in the “residential district.” The waiver would only allow one additional story, not to exceed 4 stories or 48 feet. It should be noted that the heights of the existing buildings at Broadstone Apartments adjacent to Frederick Avenue are 45 feet and 43 feet.

The aforementioned base findings would also apply and to the “residential district” waiver and would be determined on a case by case basis through a resolution of the Mayor and City Council.

Please note that should the proposed text amendment be approved, a rezoning of the property to the CD zone would still need to occur. The rezoning request would be accompanied by a Schematic Development Plan. Both the rezoning and SDP applications would require additional reviews and approvals by the Mayor and City Council.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE, ENTITLED, "ZONING," ARTICLE III, ENTITLED, "REGULATIONS APPLICABLE TO PARTICULAR ZONES," DIVISION 22, ENTITLED, "CD ZONE, CORRIDOR DEVELOPMENT," SECTION 24-160G.5, ENTITLED, "WAIVER OF DEVELOPMENT STANDARDS," TO MODIFY SECTION 24-160G.5(a) TO ADD THAT THE CITY COUNCIL MAY WAIVE HEIGHT REQUIREMENTS IN THE RESIDENTIAL DISTRICT AS WELL AS IN THE EMPLOYMENT DISTRICT

Text Amendment T-378

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland, in public meeting assembled that Chapter 24 of the City Code (City Zoning Ordinance), Article III, is amended as follows:

DIVISION 22. CD ZONE, CORRIDOR DEVELOPMENT

* * *

Sect. 24-160G.5. Waiver of development standards

(a) The City Council may, by resolution, waive the building and structure height requirements in the corridor development zone (CD zone) [for an employment district only, and allow a height not to exceed eight (8) stories, or ninety (90) feet, upon a finding that] as follows:

- (1) [The applicant will provide either on-site or off-site public amenities to further enhance the corridor development zone and the purposes of the CD zone; and] For a residential district to allow a height not to exceed four (4) stories, or forty-eight (48) feet.
- (2) [The additional height is necessary to implement the master plan and a specific corridor plan for Gaithersburg, or attract an appropriate and compatible type or caliber of user; and] For an employment district to allow a height not to exceed eight stories, or ninety (90) feet.
- [(3) The additional height will be compatible with existing and proposed adjacent land uses and would not detrimentally impact those uses or public facilities serving a specific corridor.]

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Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by Amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

- (b) The granting of such waiver shall be based on a finding that:
- (1) The applicant will provide either on-site or off-site public amenities to further enhance the corridor development zone and the purposes of the CD zone; and
- (2) The additional height is necessary to implement the master plan and a specific corridor plan for Gaithersburg, or attract an appropriate and compatible type or caliber of user; and
- (3) The additional height will be compatible with existing and proposed adjacent land uses and would not detrimentally impact those uses or public facilities serving a specific corridor.

[b] (c) The City Council may, by resolution, waive setback requirements in the CD zone, upon a finding that:

* * *

ADOPTED this _____ day of _____, 2006, by the City Council of Gaithersburg, Maryland.

SIDNEY A. KATZ, MAYOR and
President of the Council

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Existing law unaffected by bill.

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this ____day of _____, 2006. APPROVED/VETOED by the Mayor of the City of Gaithersburg this ____day of _____, 2006

SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY that the foregoing ordinance as adopted by the City Council of Gaithersburg, in public meeting assembled, on the ____ day of _____, 2006, and that the same was approved/vetoed by the Mayor of the City of Gaithersburg on the ____day of _____, 2006. This Ordinance will become effective on the ____ day of _____, 2006.

David B. Humpton, City Manager

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